



JUDICIAL MERIT SELECTION COMMISSION
Sworn Statement to be included in Transcript of Public Hearings

Family Court
(New Candidate)

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1. Why do you want to serve as a Family Court Judge?

After graduation from law school in 1996, other than my first two years as a judicial law clerk and then a six-month stint as an Assistant Solicitor, I have spent the last 25 years in private practice in a small firm with three lawyers. That has included handling matters ranging from magistrate court trials in garages and at kitchen tables, death penalty cases, significant personal injury cases for plaintiffs and defendants, service as county attorney, and virtually every type of case in Family Court. The Family Court cases have involved representation of husbands and fathers, and wives and mothers in marriages in duration from a few months to over 50 years; adoptions; disputes over custody, visitation, alimony, division of high value marital estates to custody of a dog; and service as guardian in private custody cases and adoptions.

I have also had the honor and pleasure of representing volunteer guardians ad litem for children in DSS abuse and neglect cases for over 20 years, and guardians ad litem for vulnerable adult cases for the last seven years.

I have recently been appointed as a Special Assistant Solicitor on a volunteer basis to prosecute juvenile cases, and look forward to serving in that capacity.

At this point in my career, I believe I have the legal and, just as importantly, the life experience to transition successfully into service as a Family Court judge. Fortunately, I was mentored by experienced and successful lawyers, both in and out of my firm, that taught me one could zealously advocate for his client while maintaining a level

of civility with and respect for the opposing side. As a result, I feel my temperament, knowledge and common-sense approach have led me to a path where I will be able serve effectively as a Family Court judge.

Finally, there is a sense that it is time to give back to the life and profession that has given so much to me. Although my parents divorced when I was 10 years old, I was blessed in that they and then my stepparents encouraged and invested in me to help me attend college and law school. I then had the fortune to serve as a law clerk to Circuit Judge Paul Burch from whom I learned so much, not the least of which was, no matter your position, to show courtesy and respect to all those with whom you have contact. Through hard work and opportunity, a level of prosperity followed in my law practice that now allows me the honor of pursuing what I hope and sincerely believe will be a chance to serve the citizens of South Carolina as a member of the judiciary.

2. Do you plan to serve your full term if elected?

Yes, if fortunate enough to be elected, I plan to serve the full term.

3. Do you have any plans to return to private practice one day?

No, if elected, I do not have any plans to return to private practice.

4. Have you met the statutory requirements for this position regarding age, residence, and years of practice?

Yes.

5. What is your philosophy regarding *ex parte* communications? Are there circumstances under which you could envision *ex parte* communications being tolerated?

Unless specifically permitted by a statute or rule (e.g., S.C. Code Ann. § 63-7-740 which provides that the family court may order *ex parte* that a child be taken into emergency protective custody; Rule 21, SCRFC, which allows for issuance of a temporary order in an emergency situation on *ex parte* application), my philosophy would be to absolutely avoid *ex parte* communications.

6. If you disclosed something that had the appearance of bias, but you believed it would not actually prejudice your impartiality, what deference would you give a party that requested your recusal? Would you grant such a motion?

I am aware that the Code of Judicial Conduct requires a judge to “disqualify himself in a proceeding in which his impartiality might reasonably be questioned.” Also, Canon 3(C)(1) of the Code of Judicial Conduct, Rule 501, SCACR, provides that a judge must exercise sound judicial discretion in determining whether his impartiality might reasonably be questioned. I would base my analysis of the specific facts of the recusal request on this standard; however, I would give significant deference to the party requesting the recusal and would grant the request as, ultimately, I would seek to avoid the appearance of impropriety because it could undermine not only that particular party’s confidence in the integrity of the judicial system but also the confidence of the public at large.

7. How would you handle the appearance of impropriety because of the financial or social involvement of your spouse or a close relative?

First, I would fully inform all parties to the action as to the nature of the financial or social involvement. I would then conduct the analysis under Canon 3(C)(1), as set forth in the response to question 6. Even if I determined that recusal was not required, I would only proceed if all parties and their respective counsel agreed on the record that, after being fully informed of the nature of the financial or social involvement, they were completely comfortable and in agreement with me hearing the matter. Otherwise, if any party requested my recusal or expressed any doubt whatsoever, I would recuse myself to maintain the confidence in the integrity of the judicial system.

8. What standards would you set for yourself regarding the acceptance of gifts or social hospitality?

I have thoroughly reviewed Canon 4(D)(5) and Rule 3.5(a) of the Rules of Professional Conduct as well as various cases and advisory opinions regarding the application of this Canon and Rule to this issue. While there is no one-size-fits-all rule, I would carefully consider the nature and occasion of the gift or social hospitality, and my relationship with the person from whom the gift or social hospitality was being given. If there was any question in my mind

that an outsider would perceive the gift or social hospitality to call into question my personal integrity or impartiality, or that of the judiciary at large, I would respectfully decline the gift or social hospitality.

9. How would you handle a situation in which you became aware of misconduct or appearance of infirmity of a lawyer or of a fellow judge?

With regard to misconduct, I would follow the requirements of Canon 3(D)(1) and (2). If it was a violation that raised a substantial question as to that lawyer's or judge's honesty, trustworthiness or fitness as a lawyer in other respects, I would inform the appropriate authority. If I believed misconduct occurred that did not rise to that level, I would attempt to address the perceived misconduct with the lawyer or judge directly.

With regard to the appearance of infirmity, I would first try to confer with the lawyer or judge to determine if, in fact, an infirmity existed. Depending on the severity, I would encourage the individual to seek out available services, if feasible, to alleviate the infirmity. If I believed this to be impractical, I would contact an organization such as the South Carolina Bar Lawyers Helping Lawyers Committee for further guidance. If the circumstances were such that I believed the situation demanded immediate attention, I would contact the appropriate authority.

10. Are you a member of any organization or association that, by policy or practice, prohibits or limits its membership on the basis of race, sex, religion, or national origin? If so, please identify the entity and explain if this organization practices invidious discrimination on any basis.

No.

11. Have you engaged in any fund-raising activities with any political, social, community, or religious organizations? Please describe.

As a charter member and past board member of the Cheravian Club, a local service club based in Cheraw, I have been involved in various fund raisers such as pancake breakfasts and the like. The funds generated from these events are donated to various charitable and

community causes in the Cheraw area including high school scholarships and athletics, and the purchase of bullet proof vests for the Cheraw Police Department.

As a member of First United Church of Cheraw, I have in the past participated in a barbeque which raised funds for a Boy Scout Troop sponsored by the church.

As a past member of the Board of Directors of the Pee Dee Land Trust, a 501(c)(3) land trust, and as the organization's treasurer, I was involved in fund raising activities in furtherance of its mission to conserve and promote an appreciation of the significant natural, agricultural, and historical resources of the Pee Dee Watershed of South Carolina.

12. Do you have any business activities that you would envision remaining involved with if elected to the bench?

No.

13. Since Family Court judges do not have law clerks, how would you handle the drafting of orders?

In most cases, I would communicate my decision to counsel for the parties, have one of them draft the order, and provide it to me and any other counsel or pro se litigant involved in the case for review. I would then make any necessary revisions. Otherwise, I have practiced for 25 years in a small firm in which I and my legal assistant were responsible for drafting all documents (pleadings, orders, memoranda, ordinances, contracts, etc.) and I would handle the drafting of orders in that manner. If legal research was necessary in either drafting an order or reaching a decision to instruct counsel to draft an order, I am proficient in the use of Westlaw and other research methods and, again, due to the size of my firm, have necessarily done that for the entirety of my practice.

14. If elected, what method would you use to ensure that you and your staff meet deadlines?

My legal assistant and I each separately maintain our own electronic and written calendars. This system is used to schedule appointments, note dates to follow up or meet deadlines, etc. I

would anticipate using that same method, and I am always open to and looking for ways to improve.

15. If elected, what specific actions or steps would you take to ensure that the guidelines of the guardian ad litem statutes are followed during the pendency of a case?

In private cases, I would first make sure that the guardian ad litem meets the statutory qualifications and submits the necessary affidavit attesting to those qualifications as set forth in S.C. Code § 63-3-820(D). Given that a guardian ad litem is normally appointed at the outset of a case at a temporary hearing, I would consult with counsel for the parties as to their prior experience with the guardian to be appointed, and whether they believed additional provisions were necessary in the order of appointment to make certain that the guardian follows the statutory guidelines. I would view this as an issue largely of timeliness and have found that most guardians, both lay and lawyer, are familiar with and diligent in the fulfillment of their responsibilities. That said, I would offer to include what amounted to a scheduling order for guardian if that was determined to be necessary as well as any other language to ensure that the appointed guardian followed the statutory guidelines. While scheduling orders in most counties are much less common in the Family Court, during my practice in Common Pleas, they are often used to set out deadlines to keep a case on track.

In DSS abuse and neglect cases, in my 20 plus years representing volunteer guardians ad litem, thanks in large part to outstanding county program directors, it has been a rarity that a case has been delayed due to a guardian not fulfilling their statutory responsibilities pursuant to S.C. Code Ann. § 63-11-510. I understand there are reporting requirements in place from the state office of the Cass Elias McCarter Guardian Ad Litem Program and, that, along with the dedication of these volunteers, has, in my experience, been sufficient to ensure compliance. If I encountered a situation in which this was not the case, especially a situation where it was a repetitive problem, I would discuss the matter with the county program director and suggest including a schedule and other necessary language in an appropriate order as this issue could delay permanence for a child.

16. What is your philosophy on “judicial activism,” and what effect should judges have in setting or promoting public policy?

I firmly believe in the founding principle of the separation of powers as enshrined in the United States and South Carolina Constitutions. My philosophy is that I would not engage in “judicial activism” or have a role as a judge in setting or promoting public policy, as that is not the province of the judicial branch.

17. Canon 4 allows a judge to engage in activities to improve the law, legal system, and administration of justice. What activities would you plan to undertake to further this improvement of the legal system?

If I were fortunate enough to be elected to the Family Court, my first step would be to learn as much as possible from the perspective of the bench understanding that, even after 28 years as a lawyer, one can always learn new things or a better way to do accomplish a task. As my knowledge base increased, I would be glad to offer myself as a presenter at CLE’s or other appropriate educational venues, or as a candidate for pilot programs approved by the South Carolina Supreme Court. On a more personal level, particularly with less experienced lawyers, I would make a point to offer them guidance, when appropriate, but in a manner that is positive and discrete, in line with actions I have noted from some of the judges I respect most.

18. Do you feel that the pressure of serving as a judge would strain personal relationships (i.e. spouse, children, friends, or relatives)? How would you plan to address this?

While I am sure the pressure and stress of serving as a judge could strain personal relationships, and that this pressure may be different than that of practicing law, I think many of the methods to manage that would be similar. These include setting aside time for family and friends, maintaining some outside interests and balancing time for those when it conflicts with one’s profession. I have been able to manage that for over 25 years as a practicing lawyer and anticipate I would continue to do so if elected to the bench.

19. Would you give any special considerations to a pro se litigant in family court?

In all such cases, before proceeding with the hearing, I would question the litigant as to the lack of representation by counsel. If, for example, the matter was a DSS abuse and neglect case, I would

make certain that the litigant knew that, if he qualified on the basis of indigency, he was entitled to the appointment of counsel. Regardless of the nature of the case, if the litigant chose to go forward pro se, I would advise him of the perils of doing so and that, as a rule, a pro se litigant who knowingly represents himself assumes full responsibility for complying with the substantive and procedural requirements of the law. That said, just as any other party before the court, a pro se litigant deserves courtesy, impartiality, patience, respect and attention as he presents his case.

20. Are you involved in any active investments from which you derive additional income that might impair your appearance of impartiality?

No.

21. Would you hear a case where you or a member of your family held a *de minimis* financial interest in a party involved?

Although Canon 3(E)(1)(c) does not require recusal in such a circumstance, I would fully inform all parties of the *de minimis* financial interest. I would only proceed if all parties and their respective counsel agreed on the record that, after being fully informed of the nature of the financial interest, they were completely comfortable and in agreement with me hearing the matter. Otherwise, if any party requested my recusal or expressed any doubt whatsoever, I would recuse myself to maintain the confidence in the integrity of the judicial system.

22. Have you met the mandatory minimum hours requirement for continuing legal education courses for the past reporting period?

Yes.

23. What do you feel is the appropriate demeanor for a judge and when do these rules apply?

I feel the appropriate demeanor for a judge is to be courteous, patient, fair, impartial and attentive to all parties. These rules should apply at all times whether presiding from the bench or not. In my practice, I have found that the lack of an appropriate demeanor on the part of a judge is often counter-productive to the efficient and fair resolution of cases.

24. Do you feel that it is ever appropriate to be angry with a member of the public who would appear before you, especially with a criminal defendant? Is anger ever appropriate in dealing with attorneys or a pro se litigant?

I do not feel anger is appropriate with a member of the public who would appear before me, be it a criminal defendant or otherwise. Based on life experience, one's judgment is diminished and clouded by anger. That does not, in my opinion, mean that a judge should tolerate disrespect, disruptive behavior or a blatant disregard for general rules of decorum, whether that be directed toward the court, opposing counsel, litigants or court staff. In those cases, as a judge, one must maintain order but should do so in a calm but firm manner.

I HEREBY CERTIFY THAT THE ANSWERS TO THE ABOVE QUESTIONS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

C. Heath Ruffner

Sworn to before me this ____ day of _____, 2024.

(Signature)

(Print name)

Notary Public for South Carolina

My commission expires: _____